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E.O. 12958: N/A

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SUBJECT: REQUEST TO OPEN NEGOTIATIONS ON NEW EXTRADITION TREATY WITH CROATIA

REF: September 28, 2006 Johnson/Elvikis email

¶1. Summary: Post requests that Department open negotiations with Croatia on a new extradition treaty to replace the current treaty with the Kingdom of Serbia dating from 1901. The Croatian MOJ has expressed its desire to update the treaty as soon as feasible. The current treaty limits the offenses for which extradition can be sought, frustrating both sides in their efforts to bring to justice perpetrators of more modern crimes. End summary.

¶2. A number of Croatian government officials from various law enforcement related offices have raised the issue of a new treaty with Embassy officers. Liljana Vodopija Cengic, Assistant Minister of Justice for the Directorate for International Legal Assistance, recently told Consul of the GOC's frustration with the antique extradition treaty currently in force between the U.S. and Croatia. A list treaty dating from 1901, the current extradition treaty did not foresee, and consequently does not permit extradition of fugitives suspected of "modern" crimes. Ms. Cengic cited specifically the crime of pedophilia, noting a recent case in which the GOC was able to extradite an American accused of this crime thanks only to the Croatian judge's very creative interpretation of the current treaty - a liberty which would not have been permitted in the U.S. judicial system.

¶3. In light of the expressions of interest on the Croatian side, and to maintain the momentum in U.S.-Croatian relations resulting from the Croatian PM's recent visit to the White House, post asks that priority be given to opening negotiations with Croatia on a new extradition treaty. The current, antique treaty does not permit extradition for contemporary crimes such as drug trafficking, aircraft hijacking, money laundering and terrorism; it is very much in the USG interest to close that loophole. Additionally, Croatia is on track to receive an invitation to join NATO in 2008. The level of judicial cooperation possible between our two countries should be commensurate with that increased level of partnership.

¶4. Judicial cooperation between the U.S. and Croatia is good, though somewhat hampered by this outdated treaty. The MOJ has worked hard to improve its handling of extraditions under the current treaty, showing a great determination to bring Croatian international judicial cooperation up to EU levels. Post is confident that the GOC will demonstrate a similar conscientiousness in carrying out the terms of a new treaty. Post looks forward to opening negotiations with our Croatian interlocutors on a new treaty.
BRADTKE